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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EPIC GAMES, INC.,

Plaintiff,

v.

APPLE INC.

Defendant.

Case No. 4:20-cv-05640-YGR-TSH

**[PROPOSED] ORDER RE NON-PARTY
SPOTIFY USA INC.'S
ADMINISTRATIVE MOTION TO SEAL
PORTIONS OF SPOT-EPIC-00000925
AND SPOT-EPIC-00001023**

On May 12, 2021, Non-Party Spotify USA Inc. (“Spotify”) filed an Administrative Motion to Seal portions of documents Spotify produced to Apple Inc. and Epic Games, Inc. bearing Bates numbers SPOT-EPIC-00000925 through SPOT-EPIC-00000929, and SPOT-EPIC-00001023 through SPOT-EPIC-00001025, if those documents are admitted into evidence or if the sealable portions of the documents are discussed during the trial of this action. Through its Administrative Motion to Seal Portions of SPOT-EPIC-00000925 and SPOT-EPIC-00001023, Spotify moves to seal the following portions of the documents:

Portion of Document Sought to be Sealed	Evidence Offered in Support of Sealing	Ruling
Highlighted portions on page SPOT-EPIC-00000926	Declaration of Benjamin Kung ¶¶ 11–12, 16	
Highlighted portions on pages SPOT-EPIC-00001023 through ‘1025	Declaration of Benjamin Kung ¶¶ 13–16	

Civil Local Rule 79-5 provides that documents, or portions thereof, may be sealed if a party “establishes that the document[s], or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law.” Civil L.R. 79-5(b). A party seeking to seal a document must submit “narrowly tailored” requests, *id.*, and overcome the “strong presumption in favor of access” that applies to court documents other than those that are traditionally kept secret. *Kamakana v. City & Cty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (citation omitted). A party attempting to seal “evidence at trial must [] articulate ‘compelling reasons’ in favor of sealing.” *United States v. Bazaarvoice, Inc.*, 2014 WL 11297188, at *1 (N.D. Cal., 2014) (quoting *Kamakana*, 447 F.3d at 1178–79).

Compelling reasons exist to seal the information requested by Spotify for the reasons set forth in the Declaration of Benjamin Kung, which Spotify filed in support of its Administrative Motion to Seal Portions of SPOT-EPIC-00000925 and SPOT-EPIC-00001023.

Having considered Spotify’s Administrative Motion and supporting declaration, IT IS HEREBY ORDERED THAT Spotify’s Administrative Motion to Seal Portions of SPOT-EPIC-00000925 and SPOT-EPIC-00001023 is GRANTED. Accordingly, the unredacted versions of the documents sought to be sealed by the Motion shall remain under seal, and the public

1 shall have access only to the versions of these documents that have been redacted to remove the
2 sealable portions of the documents, as in the redacted versions of Exhibits A and B to the
3 Declaration of Shane M. Palmer in Support of Spotify's Administrative Motion to Seal Portions
4 of SPOT-EPIC-00000925 and SPOT-EPIC-00001023.

5 **IT IS SO ORDERED.**

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7 Dated: _____, 2021
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10 _____
11 Honorable Yvonne Gonzalez Rogers
12 United States District Judge
13 Northern District of California
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